

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA**

Alexandria Division

UNITED STATES OF AMERICA)	
)	No. 16-MJ-406
)	
v.)	Hon. Theresa C. Buchanan
)	
)	
JUSTIN GRAY LIVERMAN,)	Preliminary Hr'g: Sept. 16, 2016
Defendant.)	

**UNOPPOSED DEFENSE MOTION TO CONTINUE PRELIMINARY
HEARING**

Pursuant to Rule Federal Rule of Criminal Procedure 5.1, Defendant Justin Liverman, by undersigned counsel, hereby moves this Court for a brief continuance of the preliminary hearing scheduled in this matter to September 28 or September 29, 2016. The government does not oppose the relief requested herein.

In further support of this Motion, Mr. Liverman states as follows:

- a. Mr. Liverman was arrested in connection with this matter in his home state of North Carolina and made a first appearance in the United States District Court for the Eastern District of North Carolina on September 8, 2016.
- b. At that hearing, Mr. Liverman was released on bond and ordered to appear before this Court on September 13, 2016.
- c. In compliance with the Court's orders, Mr. Liverman made his initial appearance before this Court on September 13, 2016.

- d. At Mr. Liverman's initial appearance in this District, the Court set a preliminary hearing for Friday, September 16, 2016. The Court also appointed undersigned counsel to represent Mr. Liverman.
- e. Undersigned counsel will be unavailable on September 16, 2016 and through September 26, 2016, due to previously arranged travel of longstanding.
- f. Accordingly, the defense seeks a brief continuance of the preliminary hearing to September 28 or September 29, 2016.
- g. Federal Rule of Criminal Procedure 5.1(c) requires a preliminary hearing be held within 21 days from a defendant's initial appearance if the defendant is not in custody. The requested continuance is within the allotted timeframe.
- h. Undersigned counsel has conferred with the government, which does not oppose this motion.

Accordingly, Mr. Liverman respectfully requests that this Court continue the preliminary hearing in this matter to September 28 or 29, 2016.

Respectfully submitted,

JUSTIN GRAY LIVERMAN
Defendant

By: /s/ Cadence Mertz
Cadence Mertz
Va. Bar No. 89750
Assistant Federal Public Defender
Office of the Federal Public Defender
1650 King St, Suite 500
Alexandria, VA 22314
703-600-0840
703-600-0880 (Fax)
Cadence_Mertz@fd.org

CERTIFICATE OF SERVICE

I hereby certify that on September 14, 2016, I filed the foregoing document electronically through the CM/ECF system, which will send a notification of such filing (NEF) to counsel of record.

A courtesy copy of the foregoing pleading will be delivered to Chambers within one business day of this filing.

/s/ Cadence Mertz
Cadence Mertz